

SEVENTEENTH DAY
(Thursday, February 19, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, McFarland, Parker, Parmer, Santiesteban, Sims, Tejeda, Truan, Washington, Zaffrini.

Absent: Uribe.

Absent-excused: Lyon, Montford, Sarpalius, Whitmire.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, help us to face this day and every day conscious of Thy presence, Thy power and Thy grace.

Bless, we pray, the members and the leadership today and may Thy spirit continue to encourage, strengthen and lead them into paths of public service. In His name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Glasgow.

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Anderson.

Senator Montford was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Whitmire was granted leave of absence for today on account of important business on motion of Senator Brooks.

REPORTS OF STANDING COMMITTEES

Senator Farabee submitted the following report for the Committee on State Affairs:

C.S.S.B. 48

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

C.S.S.B. 111

S.B. 325

S.B. 324

Senator Parker submitted the following report for the Committee on Education:

C.S.S.B. 335

BILL AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled bill and resolutions:

S.C.R. 32

S.C.R. 38

S.C.R. 39

S.B. 215 (Signed subject to Art. III,
Sec. 49a of the Constitution)

MESSAGE FROM THE HOUSE

House Chamber
February 19, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 39, Relating to the frequency of meetings conducted by a county bail bond board.

S.C.R. 27, Commending the Fort Worth Star-Telegram for running a series of articles focusing on the Texas criminal justice system.

H.C.R. 34, Congratulating T. B. McHenry of Deer Park on being inducted into the Softball Hall of Fame.

H.C.R. 37, In memory of former Congressman Bob Poage.

H.C.R. 40, In memory of Alex Short, Sr.

H.C.R. 41, In memory of the Honorable Caver Johnson, Cass County Judge.

H.C.R. 43, In memory of John B. Stephens, Titus County businessman.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 449 by Whitmire State Affairs
Relating to appeal of a determination of the general prevailing rate of per diem wages for public works contracts.

S.B. 450 by Whitmire State Affairs
Relating to the enforcement of the general prevailing rate of per diem wages for public works contracts.

S.B. 451 by Whitmire Education
Relating to deductions from the salaries of school district employees for dues to professional organizations.

S.B. 452 by Truan Criminal Justice
Relating to the punishment for the offense of involuntary manslaughter involving the operation of a motor vehicle while intoxicated.

- S.B. 453** by Truan Criminal Justice
Relating to the sentencing of persons convicted of more than one offense of involuntary manslaughter involving the operation of a motor vehicle while intoxicated.
- S.B. 454** by Truan Criminal Justice
Relating to the terms of probation imposed on a person convicted of the offense of involuntary manslaughter involving the use of a motor vehicle.
- S.B. 455** by Glasgow Economic Development
Relating to substitution of certain fiduciaries.
- S.B. 456** by Green State Affairs
Relating to the definition of the term "general prevailing rate of per diem wages."
- S.B. 457** by Green State Affairs
Relating to a requirement that the prevailing wage rate be posted in certain places of employment; providing a penalty.
- S.B. 458** by Green Economic Development
Relating to prohibition against collision-damage waivers in car rental and lease contracts and agreements.
- S.B. 459** by Green Jurisprudence
Relating to the fees charged for and the disposition of notices of deed of trust sales that are filed with county clerks.
- S.B. 460** by Green Intergovernmental Relations
Relating to the civil service classification of peace officers employed by a city in a specialized police division.
- S.B. 461** by Parmer Health and Human Services
Relating to the regulation of the care and treatment of animals in commercial kennels and to licensing of facilities and personnel; providing a penalty.
- S.B. 462** by Armbrister Health and Human Services
Relating to the powers and duties of a health facilities development corporation.
- S.B. 463** by Armbrister Jurisprudence
Relating to civil damages on dishonor of a check and the offense of issuance of a bad check.
- S.B. 464** by Brown Economic Development
Relating to the regulation of health spas.
- S.B. 465** by Edwards State Affairs
Relating to a revision of Title 15 of the Election Code regulating political funds and campaigns; providing penalties.
- S.B. 466** by Edwards State Affairs
Relating to the filing periods for and the withdrawal or ineligibility of candidates in elections other than the general election for state and county officers or a primary election.
- S.B. 467** by Jones State Affairs
Relating to the renaming and operation of the Texas Public Building Authority.
- S.B. 468** by Jones Finance
Relating to the procedures for the adjudication of certain claims involving state taxes or fees.

S.B. 469 by Jones Finance
Relating to transferring certain duties relating to the administration of an appraisal district from the county clerk to the chief appraiser and revising certain procedures in the appointment of an appraisal district board of directors.

S.B. 470 by Jones Natural Resources
Relating to sale by the water development board of certain political subdivision bonds to the Texas Water Resources Finance Authority.

S.B. 471 by Jones Natural Resources
Relating to the creation, administration, powers, duties, financing, and bond authority of the Texas Water Resources Finance Authority.

S.B. 472 by Glasgow Jurisprudence
Relating to criminal responsibility for obstructing a street, railway crossing, or highway with a train.

S.B. 473 by Glasgow Jurisprudence
Relating to removal of the property of an evicted tenant.

S.B. 474 by Caperton Jurisprudence
Relating to notice required for disclosure, production, or examination of bank records.

S.B. 475 by Caperton Intergovernmental Relations
Relating to the redesignation of the County Court at Law of Brazos County as the County Court at Law No. 1 of Brazos County.

S.B. 476 by Caperton Jurisprudence
Relating to allowing interest on taxable court costs and compounding of interest annually; amending Article 1.05, Title 79, Revised Statutes, as amended (Article 5069-1.05, Vernon's Texas Civil Statutes).

S.B. 477 by Lyon Intergovernmental Relations
Relating to the appointment of a budget officer in certain counties.

S.B. 478 by Leedom State Affairs
Relating to the acquiring and granting of interests in and management of personal or real property assets of the state and permanent school fund.

CO-AUTHORS OF SENATE BILL 335

On motion of Senator Parker and by unanimous consent, Senators Edwards and Green will be shown as Co-authors of S.B. 335.

HOUSE CONCURRENT RESOLUTION 53

The President laid before the Senate the following resolution:

H.C.R. 53, Memorializing Congress to support construction of the Superconducting Super Collider in Texas.

The resolution was read.

On motion of Senator Edwards and by unanimous consent, the resolution was considered immediately and was adopted viva voce vote.

RECORD OF VOTE

Senator Parker asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE RESOLUTION 83

Senator Zaffirini offered the following resolution:

WHEREAS, Spreading the spirit of friendship and international goodwill, the City of Laredo is sponsoring its 90th annual George Washington's Birthday Celebration from February 14 through 22, 1987; and

WHEREAS, The occasion is marked by pageantry, gaiety, elegance, and high spirits; it includes such notable and well-loved events as the International Bridge Ceremony, the International Parade, the Colonial Pageant and Ball, Princess Pocahontas Pageant, Noche Mexicana, and the Jalapeno Festival; and

WHEREAS, George Washington's name is widely known across Latin America, and with such national heroes as Benito Juarez and Miguel Hidalgo of Mexico, he exemplifies the truly noble ideals of liberty and freedom; and

WHEREAS, Laredo's George Washington festivities have come to signify a celebration of the harmonious accord, mutual dependence, and deep respect between the twin cities of Laredo and Nuevo Laredo, the sister states of Texas and Tamaulipas, and the neighboring nations of the United States and Mexico; and

WHEREAS, The unique and interdependent relationship between Texas and Mexico is highlighted by the participation of Lieutenant Governor William P. Hobby, who will be attending this year's activities in his position as acting Governor of the State of Texas; and

WHEREAS, Formerly honored as Mr. South Texas, Governor Hobby has a long-standing commitment to the people and needs of the Texas-Mexico border, and his deep understanding of the area makes him a truly fitting representative of this state and nation as he meets with the governors of Tamaulipas, Nuevo Leon, and Coahuila on Saturday, February 21, at the International Bridge Ceremony; and

WHEREAS, For almost a century, the people of South Texas have celebrated the close friendship and accord between Texas and Mexico, and this preeminent celebration of the blending of two historic cultures merits widespread recognition and praise; now, therefore, be it

RESOLVED, That the Senate of the 70th Legislature of the State of Texas hereby officially recognize the 90th annual George Washington's Birthday Celebration in Laredo and urge people, not only from the South Texas area, but also from throughout the state, to participate in the many unique and exciting activities that celebrate international sharing and goodwill; and, be it further

RESOLVED, That an official copy of this resolution be prepared for the George Washington's Birthday Celebration Association as an expression of commendation and support from the members of the Texas Senate.

The resolution was read and was adopted viva voce vote.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these names for consideration was given yesterday by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported yesterday by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 26, Nays 0.

Absent: Uribe

Absent-excused: Lyon, Montford, Sarpalius, Whitmire.

Members, Texas Employment Commission: MRS. NANCY BARNES, Travis County; RONALD E. LUNA, Travis County.

Member, Board of Directors, Texas Turnpike Authority: RICHARD L. BISCHOFF, Harris County.

Member, Home Health Services Advisory Council: MS. BETTIE J. GIRLING, Travis County.

Member, Texas Judicial Council: JUDGE ROBERT A. GAMMAGE, Travis County.

Member, Veterans Land Board: JIM SALE, Dallas County.

Member, Texas Animal Health Commission: DR. KENNETH DORRIS, Erath County.

Member, Board of Directors, Texas Turnpike Authority: ROBERT L. COLLINS, Harris County.

Member, State Department of Highways and Public Transportation: ROBERT HENRY DEDMAN, Dallas County.

Member, Board of Regents, Stephen F. Austin State University: A. N. RUSCHE, Harris County.

Member, Texas National Research Laboratory Commission: MARTIN GOLAND, Bexar County.

Member, Texas Animal Health Commission: JOHN S. CARGILE, Tom Green County.

Judge, 96th Judicial District, Tarrant County: ROGER JEFFREY WALKER, Tarrant County.

District Attorney, 355th Judicial District, Hood County: RICHARD LYNN HATTOX, Hood County.

LEAVE OF ABSENCE

Senator Santiesteban was granted leave of absence for the remainder of today on account of important business on motion of Senator Brooks.

GUEST PRESENTED

Senator Caperton was recognized and introduced the Capitol Physician for the Day, Dr. Wilford Morris of Sealy.

The Senate expressed appreciation for his service to Dr. Morris as he was welcomed as a guest for today.

COMMITTEE SUBSTITUTE SENATE BILL 251 ON SECOND READING

Senator Farabee moved that the regular order of business be suspended and that C.S.S.B. 251 be taken up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 251, Relating to contracts with private enterprises for the construction, operation, maintenance, and management of correctional facilities

and to certain offenses and penalties. (Submitted by Governor as emergency on January 19, 1987)

The motion prevailed by the following vote: Yeas 23, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, McFarland, Parker, Parmer, Sims, Tejeda, Zaffirini.

Nays: Truan, Washington.

Absent: Uribe.

Absent-excused: Lyon, Montford, Santiesteban, Sarpalius, Whitmire.

The bill was read second time.

Senator Farabee offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 251 by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Title 108, Revised Statutes, as amended, is amended by adding Article 6166g-2 to read as follows:

Art. 6166g-2. CONTRACTS FOR PRIVATE CORRECTIONAL FACILITIES

Sec. 1. (a) The Texas Board of Corrections may contract with private vendors for the financing, construction, operation, maintenance, or management of secure correctional facilities.

(b) A facility authorized by this article must be designed, constructed, operated, and maintained to:

(1) hold not more than an average daily population of 500 inmates;

(2) comply with federal constitutional standards and applicable court orders;
and

(3) receive and retain, as an individual facility, accreditation from the American Correctional Association.

(c) A facility authorized by this article may be located on private land or on land owned by the state or a political subdivision of the state. The Texas Board of Corrections may accept land donated for that purpose.

Sec. 2. The Texas Department of Corrections may confine only minimum or medium security inmates in a facility authorized by this article. An inmate confined in a facility authorized by this article remains in the legal custody of the Texas Department of Corrections.

Sec. 3. (a) The Texas Board of Corrections may not award a contract under this article unless the board requests proposals and receives a proposal that meets or exceeds, in addition to requirements specified in the request for proposals, the requirements specified in Subsections (b) and (c) of this section.

(b) A party proposing to enter a contract with the Texas Board of Corrections under this article must demonstrate:

(1) the qualifications and the operations and management experience to carry out the terms of the contract; and

(2) the ability to comply with the standards of the American Correctional Association and applicable court orders.

(c) In addition to meeting the requirements specified in the requests for proposals, a proposal is not acceptable unless it:

(1) provides for regular, on-site monitoring by the Texas Department of Corrections;

(2) acknowledges that payment by the state is subject to the availability of appropriations;

(3) provides for payment of a maximum amount each biennium;

(4) offers a level and quality of services at least equivalent to those provided by state-operated facilities that house similar types of inmates at a cost that provides the state with a savings of at least 10 percent below the cost the state would incur for operating a facility housing similar inmates and providing similar programs, with the costs to be determined by the Legislative Budget Board. In determining the costs, the Legislative Budget Board shall consider any factor it deems relevant, including the state's additional costs of providing the same service as a contractor, properly allocable indirect costs of either the state or contractor, and any continuing state costs directly associated with the contract;

(5) permits the state to terminate the contract for cause, including as cause the failure of the vendor to meet the conditions required by this article and other conditions required by the contract;

(6) provides that cost adjustments may be made only once each biennium, to take effect at the beginning of the next biennium;

(7) is for an initial contract term of not more than three years, with an option to renew for additional periods of two years;

(8) if the proposal includes construction, contains a performance bond approved by the Texas Board of Corrections that is adequate and appropriate for the proposed contract;

(9) provides for assumption of liability by the vendor for all claims arising from the construction, operation, maintenance, or management of the facility;

(10) provides for an adequate plan of insurance for the vendor and its officers, guards, employees, and agents against all claims arising from the financing, construction, operation, maintenance, or management of the facility, including claims based on violations of civil rights;

(11) provides for a plan for purchasing the facility and having the state assume operation of the facility upon bankruptcy of the vendor;

(12) provides for an adequate plan of insurance to protect the state against all claims arising from the financing, construction, operation, maintenance, or management of the facility and to protect the state from actions by a third party against the vendor, its officers, guards, employees, and agents as a result of the contract; and

(13) contains comprehensive standards for conditions of confinement.

(d) A vendor operating under a contract authorized by this article may not:

(1) calculate inmate release and parole eligibility dates;

(2) award good conduct time;

(3) approve inmates for work, medical, or temporary furloughs or for preparole transfers; or

(4) classify inmates or place inmates in less restrictive custody than the custody ordered by the department.

Sec. 4. A vendor operating under a contract authorized by this article is not entitled to claim sovereign immunity in a suit arising from the financing, construction, operation, maintenance, or management of a facility. However, nothing herein is intended to deprive the vendor or the state of any benefits of any law limiting exposure to liability, setting a limit on damages, or establishing defenses to liability.

Sec. 5. The board may not convert an existing state facility, whether completed or under construction as of the effective date of this Act, into a privately operated facility.

Sec. 6. In the event that any contracts are entered into pursuant to this Act, the Sunset Advisory Commission shall file a report with the 72nd Legislature,

Regular Session, on the quality and costs of services provided by any contractor and those provided by the state. The commission shall include in the report an analysis that addresses whether the services provided by any contractor are superior, essentially equal, or inferior to those provided by the state. In making its report, the commission shall have all the power granted to it under state law. The commission shall consider, in addition to any other factor it deems necessary, the following:

- (1) type of inmates in the facilities;
- (2) whether the facilities meet professional standards;
- (3) extent of compliance with all terms of the contract;
- (4) extent of compliance with the terms of this Act;
- (5) level of training of staff;
- (6) number and nature of inmate complaints against staff;
- (7) number of escapes and attempted escapes; and
- (8) wages and benefits of staff in comparison to comparable state positions.

SECTION 2. Section 1, Chapter 21, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6184m, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. It shall be unlawful for any person to furnish, attempt to furnish, or assist in furnishing to any inmate of a city or county jail or of the Texas Department of Corrections any alcoholic beverage, controlled substance, or dangerous drug except from the prescription of a physician. It shall also be unlawful for any person to take, attempt to take, or assist in taking any of the aforementioned articles into a city or county jail, into a correctional facility authorized by Article 6166g-2, Revised Statutes, or into the confines of property belonging to the Texas Department of Corrections which is occupied or used by prisoners except for delivery to a jail, correctional facility, or prison warehouse or pharmacy or to a physician.

SECTION 3. Subsection (a), Section 22.02, Penal Code, as amended, is amended to read as follows:

(a) A person commits an offense if the person commits assault as defined in Section 22.01 of this code and the person:

(1) causes serious bodily injury to another, including the person's spouse;

(2) threatens with a deadly weapon or causes bodily injury to a peace officer or a jailer or guard employed at a municipal or county jail, ~~or~~ by the Texas Department of Corrections, or by a correctional facility authorized by Article 6166g-2, Revised Statutes, when the person knows or has been informed the person assaulted is a peace officer, jailer, or guard:

(A) while the peace officer, jailer, or guard is lawfully discharging an official duty; or

(B) in retaliation for or on account of an exercise of official power or performance of an official duty as a peace officer, jailer, or guard; or

(3) causes bodily injury to a participant in a court proceeding when the person knows or has been informed the person assaulted is a participant in a court proceeding:

(A) while the injured person is lawfully discharging an official duty; or

(B) in retaliation for or on account of the injured person's having exercised an official power or performed an official duty as a participant in a court proceeding; or

(4) uses a deadly weapon.

SECTION 4. Subsection (a), Section 22.03, Penal Code, as amended, is amended to read as follows:

(a) A person commits an offense if, with a deadly weapon, he intentionally or knowingly causes serious bodily injury:

(1) to a peace officer or a jailer or guard employed at a municipal or county jail, [or] by the Texas Department of Corrections, or by a correctional facility authorized by Article 6166g-2, Revised Statutes, where he knows or has been informed the person assaulted is a peace officer, jailer, or guard:

(A) while the peace officer, jailer, or guard is acting in the lawful discharge of an official duty; or

(B) in retaliation for or on account of an exercise of official power or performance of an official duty as a peace officer, jailer, or guard; or

(2) to a participant in a court proceeding when he knows or has been informed that the person assaulted is a participant in a court proceeding:

(A) while the injured person is in the lawful discharge of official duty; or

(B) in retaliation for or on account of the injured person's having exercised an official power or performed an official duty as a participant in a court proceeding.

SECTION 5. The provisions of Subdivision (1), Subsection (b), Section 1, Article 6166g-2, Revised Statutes, as added by Section 1 of this Act, does not apply to facilities that are under construction or completed on or before the effective date of this Act.

SECTION 6. Article I, General Appropriations Act for Fiscal Year 1987 (Chapter 13, Acts of the 69th Legislature, 3rd Called Session, 1986) is amended by adding to the Department of Corrections at p. I-68 the following:

49. The Texas Board of Corrections is authorized to contract with private vendors for the financing, construction, operation, maintenance, or management of secure correctional facilities to house no more than 2,000 inmates. In determining the mission of each facility, the board shall consider requiring any vendor to provide prerelease programming, including employment counseling, drug and alcohol counseling, and family counseling.

SECTION 7. Subsection (a), Section 39.021, Penal Code, as amended, is amended to read as follows:

(a) A jailer or guard employed at a municipal or county jail, [or] by the Texas Department of Corrections, or by a correctional facility authorized by Article 6166g-2, Revised Statutes, or a peace officer commits an offense if he:

(1) intentionally subjects a person in custody to bodily injury knowing his conduct is unlawful;

(2) willfully denies or impedes a person in custody in the exercise or enjoyment of any right, privilege, or immunity knowing his conduct is unlawful.

SECTION 8. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator McFarland offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend the amendment to C.S.S.B. 251 in the following manner:

Add the following as SECTION 6 and renumber present SECTION 6 as SECTION 7:

SECTION 6. The Board of Pardons and Paroles and the Department of Corrections are explicitly authorized to enter into inter-agency contracts for the placement of offenders in secure correctional facilities pursuant to the provisions of this act.

The amendment to the pending amendment was read and was adopted viva voce vote.

Senator Anderson offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend the amendment to C.S.S.B. 251 in the following manner:

1. Insert "or the commissioners court of a county" on page 1, line 7 immediately after "vendors"
2. Insert the following as subsection (d) on page 1, line 21:

(d) The commissioners court of a county must consult with and receive the agreement of the sheriff of the county before contracting with the state under this act.
3. Insert the following as subsection (e) on page 1, line 21:

(e) Notwithstanding any other provision of law, any county facility must comply with the standards and requirements of this act before any state inmates can be transferred to those facilities.

The amendment to the pending amendment was read and was adopted viva voce vote.

Floor Amendment No. 1 as amended was adopted viva voce vote.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTES

Senators Truan and Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 251
ON THIRD READING**

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 251 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Lccdom, McFarland, Parker, Parmer, Sims, Tejeda, Zaffirini.

Nays: Truan, Washington.

Absent: Uribe.

Absent-excused: Lyon, Montford, Santiesteban, Sarpalius, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 23, Nays 2. (Same as previous roll call)

SENATE BILL 39 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 39, Relating to the creation, purpose, powers and duties, and funding of a hazardous waste research center at Lamar University at Beaumont; adding Subchapter D to Chapter 108, Education Code.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 39 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 39** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Washington.

Absent: Uribe.

Absent-excused: Lyon, Montford, Santiesteban, Sarpalius, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0.

Absent: Uribe.

Absent-excused: Lyon, Montford, Santiesteban, Sarpalius, Whitmire.

MEMORIAL RESOLUTIONS

H.C.R. 40 - (Anderson): Memorial resolution for Alex Short, Sr.

H.C.R. 41 - (Anderson): Memorial resolution for the Honorable Caver Johnson, Cass County Judge.

H.C.R. 43 - (Anderson): Memorial resolution for John B. Stephens.

CONGRATULATORY RESOLUTIONS

H.C.R. 34 - (Brooks): Extending congratulations to T. B. McHenry.

H.C.R. 62 - (Sims): Commending Keep Texas Beautiful, Inc.

S.R. 82 - By Lyon: Commending Billy Turner for his resourcefulness in aiding Senator Sarpalius.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:59 a.m. adjourned until 11:00 a.m. Monday, February 23, 1987.

APPENDIX

Sent to Comptroller
(February 19, 1987)

S.B. 215

Sent to Governor
(February 19, 1987)

S.C.R. 32

S.C.R. 38

S.C.R. 39

S.B. 215

(Signed by Governor
(February 19, 1987)

S.C.R. 32

S.C.R. 39

S.C.R. 38

(February 20, 1987)

S.B. 215 (Effective immediately)

EIGHTEENTH DAY
(Monday, February 23, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejeda, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Caperton, Sarpalius, Truan.

A quorum was announced present.

The Honorable Zollie Steakley, Retired Justice, Supreme Court, offered the invocation as follows:

Heavenly Father, may this customary pause not be a token—a meaningless tip of the hat in Your direction. May it be a moment of reverence, an acknowledgement of Your Lordship. And at the end of the day may we all be able to say: well done. In Thy name we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 19, 1987, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Glasgow.

Senator Truan was granted leave of absence for today on account of death in the family on motion of Senator Brooks.

Senator Caperton was granted leave of absence for today on account of important business on motion of Senator Brooks.